9/08/99

Dear RAB Members:

Enclosed is a final copy of the minutes (including enclosures) from the August 18, 1999 RAB meeting. If you have any questions or concerns please contact me at (401)841-7714.

Very truly yours,

Michele Imbriglio
RAB Secretary

Copy to: (w/enc)
Dr. D.K. Abbass
Ms. Barbara Barrow
Mr. John R. Bernardo, III, Esq.
Ms. Mary A. Blake
Dr. David W. Brown
Mr. Richard D. Coogan
Mr. Paul A. Cormier
Ms. Beth Everett
Mr. Byron Hall
Mr. Eugene Love
Ms. Elizabeth Mathinos
Mr. Joseph Mello
Mr. Thomas McGrath
Mr. James E. Myers
Mr. John Palmieri
Mr. Howard L. Porter
Mr. Emmet E. Turley
Mr. John Vitkevich
Ms. Claudette Weissinger
Ms. Mary Philcox
Mr. David Egan
Mr. Paul Kulpa, DEM

Ms. Kymberlee Keckler, EPA
Capt. Jon Wyman, NAVSTA
Capt. A.C. Oakleaf, NAVSTA
Hon. Paul W. Crowley
Hon. June Gibbs
Mr. Joseph McEnness
Mr. Paul Russell
Mr. Charles Salmond
Mr. John Torgan
Mr. Jim Shafer
Ms. Beth Timm, ATSDR
Mr. Gregg Tracey, SAIC
Councilman Dennis McCoy
Mr. Vincent Arnold
Dr. David Kim
Mr. Brian Bishop
Sister Anne Marie Walsh
Brother Joseph
Newport Public Library
Ms. Joanne Gorman, Middletown Free Library
Portsmouth Free Public Library
Mr. Bob Jones, Groton
Mr. David Sanders, NAVSTA
Mr. David Dorocz, NAVSTA
Ms. Melissa Griffin, NAVSTA
Mr. Woody Monaco, NAVSTA
Ms. Sarah White, EPA
Ms. Jennifer Hayes, Gannett Fleming
Mr. Tim Prior, USF&WS
Mr. Ken Finkelstein, NOAA
Ms. Diane McKenna, TtNUS, Wilmington
Mr. Matt Weaver, Green Light Foundation
Mr. Thurston Gray

NAVAL STATION NEWPORT
RESTORATION ADVISORY BOARD MEETING
August 18, 1999

MINUTES

On Wednesday, August 18, 1999, the NAVSTA Newport Restoration Advisory Board (RAB) gathered at the Officer's Club for its monthly meeting. The meeting began at 7:10 and ended at 9:35.

In attendance were Howard Porter, Dave Brown, Claudette Weissinger, Kathy Abbass, Barbara Barrow, Esq., John Vitkevich, Joseph Mello Local #673, Emmett Turley, James Myers, Thurston Gray, Paul Cormier, Byron Hall, Beth Everett, Liz Mathinos, Mary Blake, Gene Love, Matt Weaver Green Light Foundation, Tom Flanagan Green Light Foundation, Sarah White USEPA, Kymberlee Keckler USEPA, David Peterson USEPA, Capt. A.C. Oakleaf NAVSTA, Capt. Jon Wyman NAVSTA, Dave Dorocz NAVSTA, Melissa Griffin NAVSTA, Jim Shafer NORTHDIV, Dave Egan TAG, Richard Gottlieb RIDEM, Paul Kulpa RIDEM, Lary Martin RASO.

Community Co-chair Barbara Barrow, Esq. opened the meeting and welcomed the group. July meeting minutes were approved.

COMMITTEE REPORTS FROM COMMUNITY MEMBERS

Project Committee: The project committee did not meet as there is no committee chair.

Planning Committee-Dave Brown on behalf of John Palmieri Committee Chair: The Planning Committee would like the RAB to proceed with obtaining the necessary signatures to organize a RAB on the FUD sites with the Army Corp of Engineers. The Planning Committee and some members of the RAB would also like to attend the technical meetings-J. Shafer advised that they be allowed to attend the EAB meetings but that they cannot attend the RPM (Remedial Project Manager) meetings.

Dave Brown provided a handout of an article from the Center for Risk Management NEWSLETTER titled Institutional Controls: The Next Frontier. (Enclosure 10). The RAB feels it is important to specify how sites will be monitored and institutional controls maintained over the years at the sites where some contamination may remain after clean-up.

Membership Committee-Howard Porter Committee Chair: There are two open seats on the RAB.

Public Information-Claudette Weissinger Committee Chair: Work on the next newsletter will begin. The newsletter will be printed on recycled paper. Jim Shafer will provide an update on the Environmental Cleanup Time Table as well as an article on McAllister Point. Paul Kulpa will provide an update on Melville North. Barbara Barrow, Esq. will provide an update for the Chairperson's Corner. Howard Porter will provide a welcome letter to the new Jamestown members.

PROJECT REPORT-Jim Shafer NorthDiv

Jim Shafer gave a brief status report on various IR sites as follows;

McAllister Point Landfill-Offshore: A Draft Record of Decision (ROD) is scheduled to be submitted September 13. The pre-design work is complete. The RAB will be briefed in September on the pre-design results. A final report will be out in October. See Enclosure (1)

McAllister Point Landfill-Onshore: Quarterly monitoring of landfill gas and groundwater continues. Next sampling event will be at the end of August. See Enclosure (2)

Derecktor Shipyard: On-Shore - Hot spot removal actions are ongoing and will be completed in the fall. There is a small area being excavated near Building 42 because there was a hit for TPH (total petroleum hydrocarbons). A sump pit adjacent to the building was also uncovered and dewatered. There was no contamination. The lines leading from the sump pit were chased and led to another sump pit. Discussions are ongoing to determine if this sump pit discovery is part of the IR program. Off-Shore -Final feasibility study was submitted July 30. Funding for the Proposed Plan for Remediation is planned for FY 2004. See Enclosure (3).

Melville North Landfill: Excavation and off site disposal of material is in progress. Removal of soils from the Melville North Landfill is scheduled to be complete in October 1999. See Enclosure (4). A listing of all disposal facilities will be provided at the September RAB. There have been some switches discovered which are coated with radium paint. Trucks are now being screened as they leave

and return to the landfill. Further discussion on this radium discovery follows in a separate section of the minutes.

Old Firefighting Training Area: On-Shore - The completion of the remedial investigation (RI) will begin after a draft final of the Ecological Risk Assessment (ERA) report is complete. Off-Shore - A draft final Ecological Risk Assessment (ERA) report has been completed and was submitted July 30. See Enclosure (5).

Tank Farm 5: We have received comments from RIDEM on the gas survey at Tanks 56 and 53. Two additional bedrock wells will be installed this summer/fall. See Enclosure (6).

Gould Island: There is $300,000 available to begin field investigations around Building 32 under the CERCLA program. Field investigations should start in FY 2000. Foster Wheeler has submitted a demolition work plan to the Navy, RIDEM and EPA. See Enclosure (7).

TAG REPORT

The Technical Advisory Group (TAG) is concerned with the projected timetable for work at Derecktor Shipyard. The Feasibility Study (FS) has been finalized but the PRAP (Proposed Remedial Action Plan) is not scheduled to be complete until FY04. Testing is being completed now but the TAG is concerned that the testing will need to be repeated (and more money spent) because too much time will have elapsed for the test results to be of any use in drafting the PRAP. The Navy, when scheduling future studies at the sites, will try to minimize stops and starts and minimize the necessity of work having to be redone.

RADIOLOGICAL AFFAIRS SUPPORT OFFICE (RASO)-Lary R. Martin

Lary Martin is with the Naval Sea Systems Command, Radiological Affairs Support Office in Yorktown, VA. RASO is the Navy's version of a Nuclear Regulatory Commission. RASO is the Navy's technical representative to the Chief of Naval Operations for all radiological issues not directly associated with nuclear medicine, nuclear propulsion and nuclear weapons.

RASO is responsible for ensuring and certifying those radiological conditions at BRAC facilities, IR facilities.

A truck with a load of scrap metal from Melville was sent to a recycler. This truck set off the screening alarms at the recycler. A crushed 30-gallon drum was found in the load, which they found to have a "significant radiation level". The truck was sent back to Melville. RASO was contacted.

Lary Martin went to the Melville site. There were significant radiation readings on the drum, especially towards one end of the drum. This indicated the drum itself was not radioactive but that it contained a radioactive component. The contractor cut the drum open and a shipboard barrel switch was found inside. There were hundreds of these switches used on Navy ships. They range in size from 6"-8" tall, about 6" in diameter with a large brass cap on top. This brass cap has cut out sections. These sections were painted with the radium paint so the switches would glow and the sailors could easily find them in dark conditions. The pieces which are painted are approximately 1 1/2" x 3/4". They were extremely common devices on ships from the mid-1930's up until the late 1970's. Barrel switches are stilled used on ships however radium is not used as a luminescent device.

On contact there is a measurable exposure rate. The exposure rate is not high enough to cause a hazard to anyone unless there is direct contact with the skin for an extended period of time (24 hrs a day for over 13 weeks straight).

It is very likely that more of these devices will be found. The contractor is monitoring everything as it is dug up. All radioactive material is separated and secured. Once work is completed at Melville RASO will again be contacted and the material will be properly packaged and shipped to a radioactive waste disposal site. It is unknown at this time how much material will be found.

The switches may not be the only devices found at Melville. The Navy also used this radium paint mixture on other devices on the ships. It was used on telephone jacks. It was used on deck markers so the sailors would not fall overboard at night. It was used by the Army and by the Marine Corps as bridge markers. Any one of these types of markers may be found at Melville.

This radium paint mixture was a very commonly used substance. It is radium 226, which is an alpha, beta, gamma

emitter. This is a low-level radioactive waste. It is important, that it is properly handled and disposed of but there is not a significant health or exposure risk.

The radioactive material will be stored in properly marked secured drums until work is complete at Melville. It will later be packaged and transported in accordance with Department of Transportation (DOT) regulations for the transportation of radioactive waste.

1ST QUARTERLY UPDATE ON NON-CERCLA FUNDED SITES-Peter Palmerino

Building 70- Building 70 is located midway down Burma Road at the end of Greene Lane. This was a pump house for the refueling pier. Oil was found in the foundation of the building and was removed. 1000 cubic yards of soil were also removed.

Tanks Farms 1,2,3-Hot spot removal for JP-4 at Tank Farm 3 Tank 35 is scheduled for September 99. The tanks will be cleaned and ballasted as follows; Tank Farm 3 9/99-10/99; Tank Farm 2 4/00-6/00 and Tank Farm 1 6/00-8/00. Foster Wheeler issued a Draft Closure Work Plan for the closure of the tanks.

Building 44 Gould Island-Soils and groundwater are contaminated. Excavation and offsite disposal will be initiated in late September and should be completed in 6 weeks.

340 Coddington Point UST- There was contamination from previous tanks. 755 tons of soil have been removed. 1000 gallon UST (underground storage tank) was removed, there were no leaks. A Release of Violation was issued 3/22/99.

Structure 74-This is a double chamber tank located on Coasters Harbor Island adjacent to the boiler house. The south chamber of the tank has been cleaned and filled with foam. A pump and treat system is in place. Removal of the Boiler House 86 in FY02 will trigger removal of Structure 74. Release of Violation was issued 3/22/99.

Former Building 1541 Coddington Point UST-This 500-gallon tank was discovered during the installation of a steam line. The tank has been removed however soil investigation recommends additional excavation.

Building 179 NUWC-Ground water contamination has been discovered adjacent to and north-northeast of the UST

(underground storage tank). Planning of the site investigation is underway.

Tank Farm 5 (Tanks 51, 52, 54 & 57)-The 4th round of confirmatory testing for VOC (volatile organic compounds), SVOC (semi-volatile organic compounds), TPH (total petroleum hydrocarbons), RCRA (Resource Conservation and Recovery Act) metals. No exceedance of groundwater quality standards was found.

Tank Farm 5 (Tanks 53 & 56)- Soil gas surveys are complete. Two bedrock-monitoring wells will be installed.

See Enclosure (8) packet.

GOULD ISLAND DEMOLITION UPDATE-Melissa Griffin

A work plan was submitted to RIDEM and EPA in July 99. RIDEM and EPA comments have been received.

Phase III has been added to the project. This phase will involve the removal of all slabs and foundations.

We are awaiting a Coastal Resources Management Counsel (CRMC) permit to build a docking facility.

The work plan includes a number of environmental controls to address environmental concerns. The site preparation will include silt fencing and hay bales at the perimeter for erosion and sedimentation controls. There will be sub contractors to do asbestos abatement and hazardous waste removal. There will also be a visual inspection, floor drain mapping and sampling. Sampling will only be done on the structures if necessary.

Phase I will involve the demolition of buildings 91, 70, 60, 33, 59, 58, 56, 53 and 54. The funding has been awarded and demolition is tentatively scheduled to begin in September (FY99).

Phase II will involve the demolition of buildings 35, 61, 32, 34, 57, 52, 94, 36 and the acid storage building. Funding has been requested. Funding is not expected to be awarded until second quarter of FY00.

Phase III will involve the demolition of all slabs and foundations. Funding has been requested. There has been no response to the request.

The next step is for Northern Division to draft a Finding of No Significant Impact (FONSI). A Memorandum of Agreement (MOA) should be received from the State Historic Preservation Officer (SHPO). See Enclosure (9) packet.

FEDERAL FACILITIES AGREEMENT-Attorney David Peterson-EPA

The Federal Facilities Agreement (FFA) is the contract agreement between the Navy, EPA and RIDEM, which governs how the various clean-up activities will be completed under CERCLA at the Naval Station.

The Superfund works differently in the private industry. Usually once a site is identified the EPA brings a lawsuit against the responsible party. It is through this litigation that a clean-up plan is established.

However, when it involves a Federal agency, such as the Navy, there is no lawsuit. The agreement is usually reached internally through a Federal Facilities Agreement.

The agreements try to encompass all the different circumstances that might occur during a clean up.

The FFA outlines the working relationship between the parties. When a site is being cleaned up the EPA and RIDEM have consultation review and approval authority which is laid out in the FFA. This includes site identification, initial investigations, remedial investigations, feasibility studies, etc.

If a dispute arises between the parties the FFA contains provisions for informal dispute resolution. The FFA also contains avenues to proceed further to formal dispute resolution if this informal dispute resolution step does not resolve the conflict. This essentially involves a series of meetings that go higher and higher up management levels of all three agencies. If this formal dispute resolution does not resolve the conflict the matter is brought to the Administrator of the EPA who will make a final determination. It is a very rare event that this happens but the FFA does provide for such a situation.

The FFA contains provisions for extensions of deadlines, for funding difficulties and various other circumstances that may arise.

The Federal Facilities Agreement is available for review at the Newport, Middletown and Portsmouth libraries.

Enclosures:

(1) Activity Update-McAllister Point Landfill-Offshore
(2) Activity Update-McAllister Point Landfill-Onshore
(3) Activity Update-Derecktor Shipyard
(4) Activity Update-Melville North Landfill
(5) Activity Update-Old Firefighting Training Area
(6) Activity Update-Tank Farm 5
(7) Activity Update-Gould Island
(8) Non-CERCLA Funded Site Update
(9) Gould Island Demolition Update
(10) Center for Risk Management NEWSLETTER-Institutional Controls: The Next Frontier

Enclosure (1)

Activity Update:
McAllister Point Landfill - Offshore

- Draft Record of Decision scheduled submission date is September 13
- Pre-design sampling is complete and awaiting laboratory results
- RAB brief in September
- Report will be out in October

Activity Update:
McAllister Point Landfill - Onshore

En losure (2)

- Long term monitoring of landfill gas and groundwater
- Gas sampling 16 through 20 August

Activity Update:
Derecktor Shipyard

- *On - Shore*
  - Hot spot removal actions are ongoing, and will be completed this fall.
- *Off - Shore*
  - Final FS submitted on 30 July.
  - Funding for Proposed Plan for Remediation planned for FY 2004

Enclosure (3)

Enclosure (4)

Activity Update:
Melville North Landfill

- Excavation and off site disposal of material in progress
- Removal of soils from the Melville North Landfill is scheduled to be complete in October 1999

Activity Update.
Old Firefighting Training Area

Enclosure (5)

- *On Shore:*
  - Will begin completion of the RI after draft final ERA report is done.

- *Off Shore:*
  - Draft Final ERA submitted on July 30.

Activity Update:

Tank Farm 5

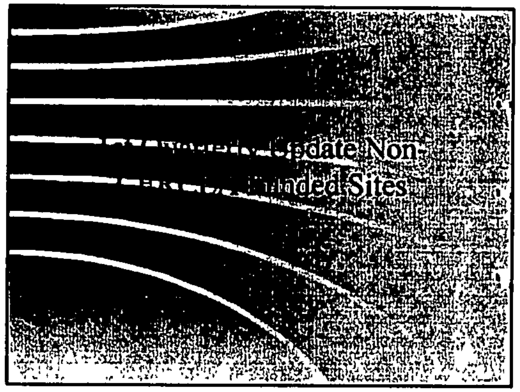
- *Received comments on the soil gas survey at Tanks 56 and 53.*
- *Two additional bedrock wells will be installed this September/October*

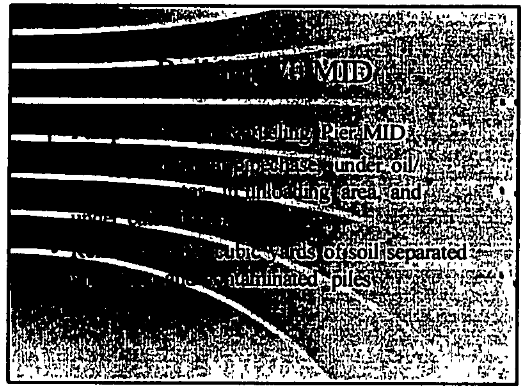
Enclosure (6)

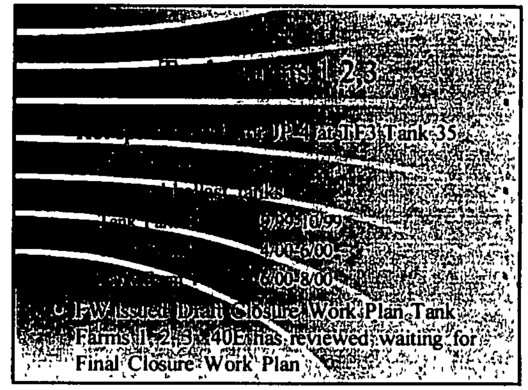
Activity Update.

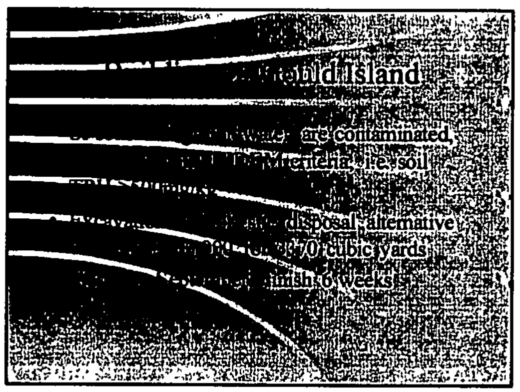
Enclosure (7)

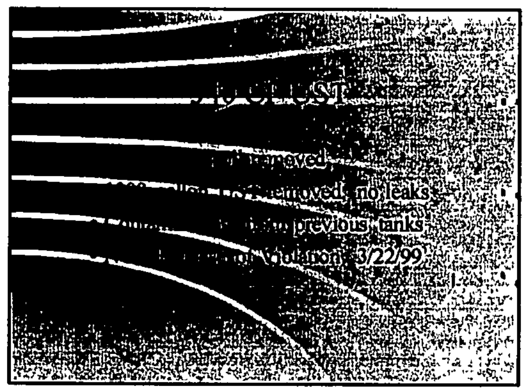
- Gould Island
  - Start Installation Restoration Field Work in FY 2000
  - Submitted Buildings Demolition Workplan July

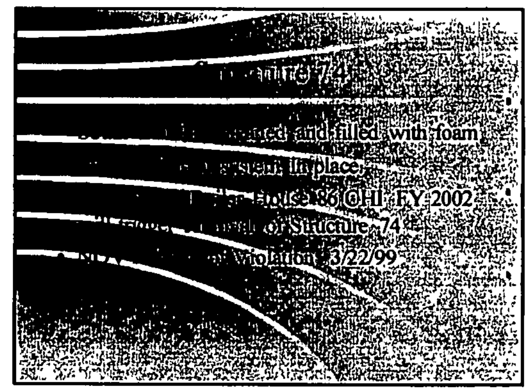

Update Non-
Sites


MID
cubic yards of soil separated
piles

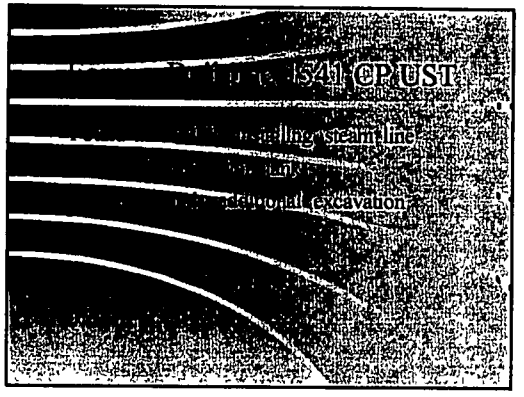

Tank 35
FW issued Draft Closure Work Plan Tank Farms 1, 2, 3, 40E has reviewed, waiting for Final Closure Work Plan

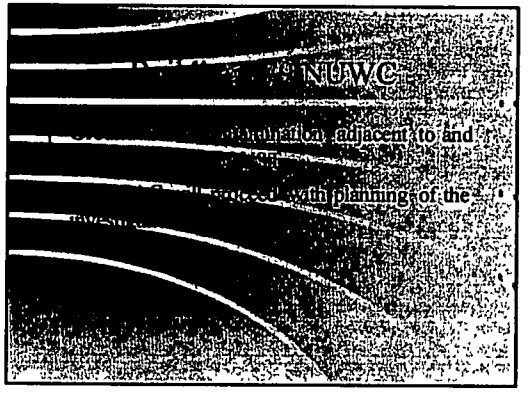

Island
are contaminated,
disposal alternative
cubic yards
finish 6 weeks

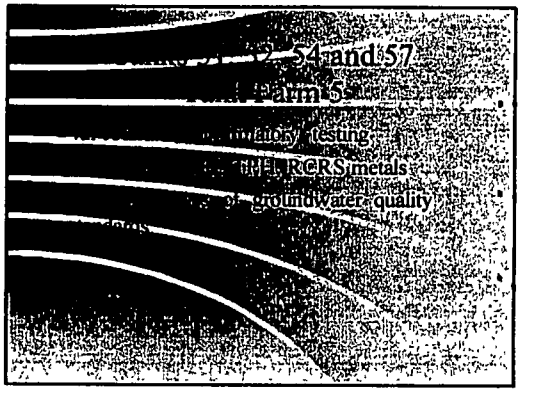

previous tanks
Violation 3/22/99

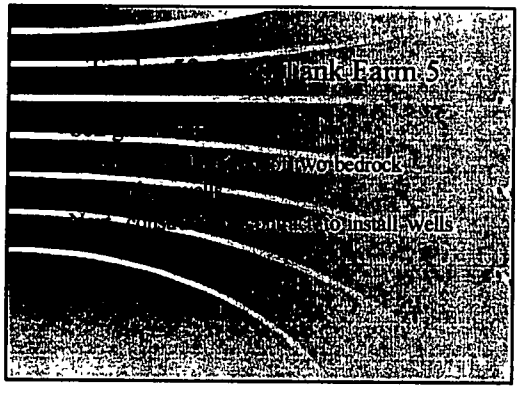

Structure 74
filled with foam
House 86 OHI FY 2002
Violation 3/22/99

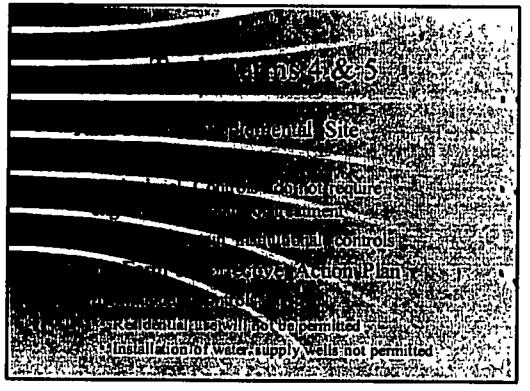
Enclosure (8)

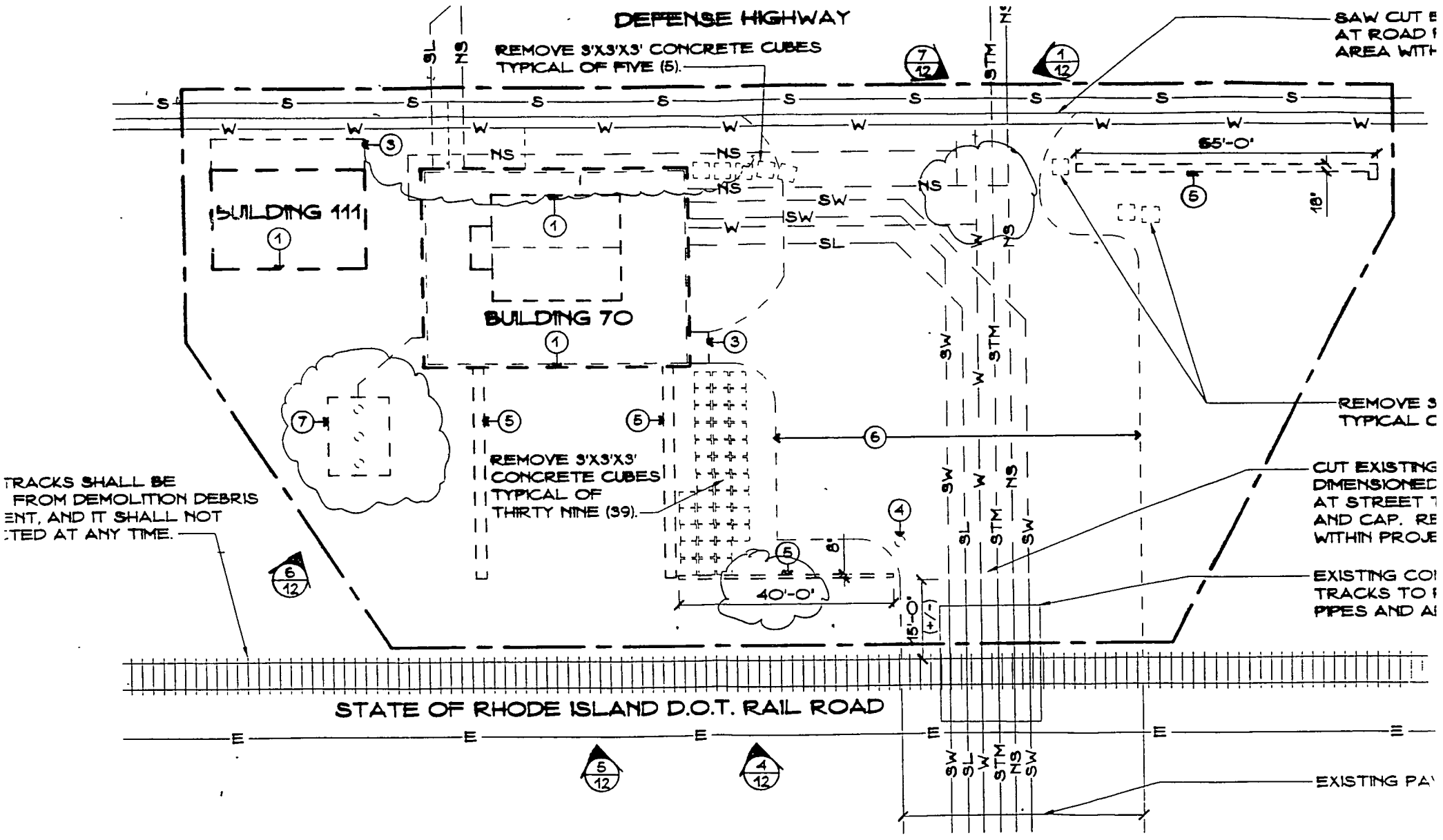

541 CP UST
excavation


NUWC
adjacent to and
with planning of the


54 and 57
Farm 5
testing
RCRS metals
groundwater quality


Tank Farm 5
bedrock
install wells


4 & 5
Site
require
controls
Action Plan
permitted
installation of water supply wells not permitted


DEFENSE HIGHWAY
REMOVE 3'X3'X3' CONCRETE CUBES TYPICAL OF FIVE (5).
SAW CUT E
AT ROAD
AREA WITH
BUILDING 111
BUILDING 70
65'-0"
18'
REMOVE 3'X3'X3' CONCRETE CUBES TYPICAL OF THIRTY NINE (39).
REMOVE 3
TYPICAL C
CUT EXISTING
DIMENSIONED
AT STREET
AND CAP. RE
WITHIN PROJE
EXISTING CO
TRACKS TO
PIPES AND A
TRACKS SHALL BE
FROM DEMOLITION DEBRIS
ENT, AND IT SHALL NOT
TED AT ANY TIME.
40'-0"
8'
15'-0" (+/-)
STATE OF RHODE ISLAND D.O.T. RAIL ROAD
EXISTING PA

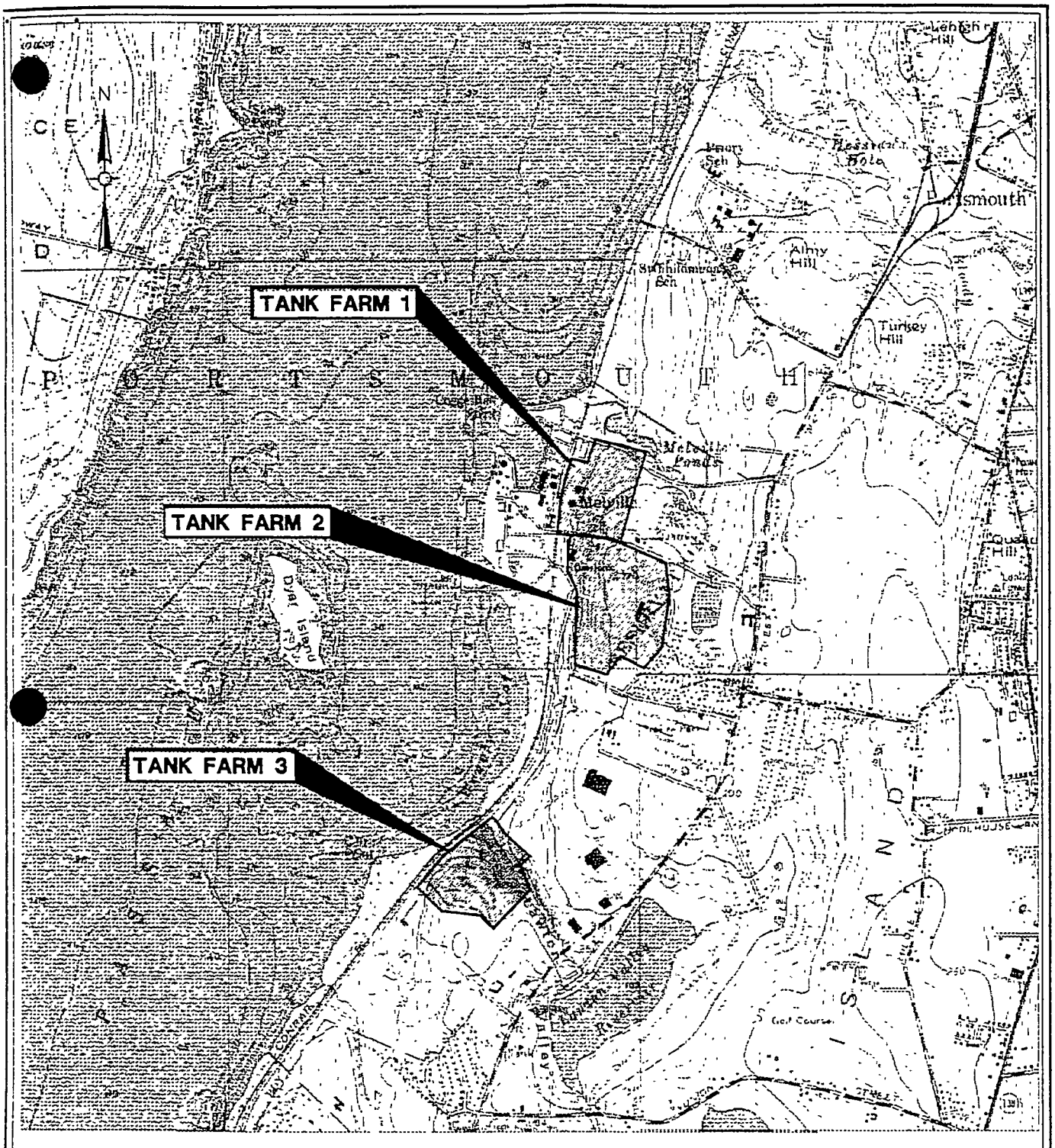


FIGURE 1-1

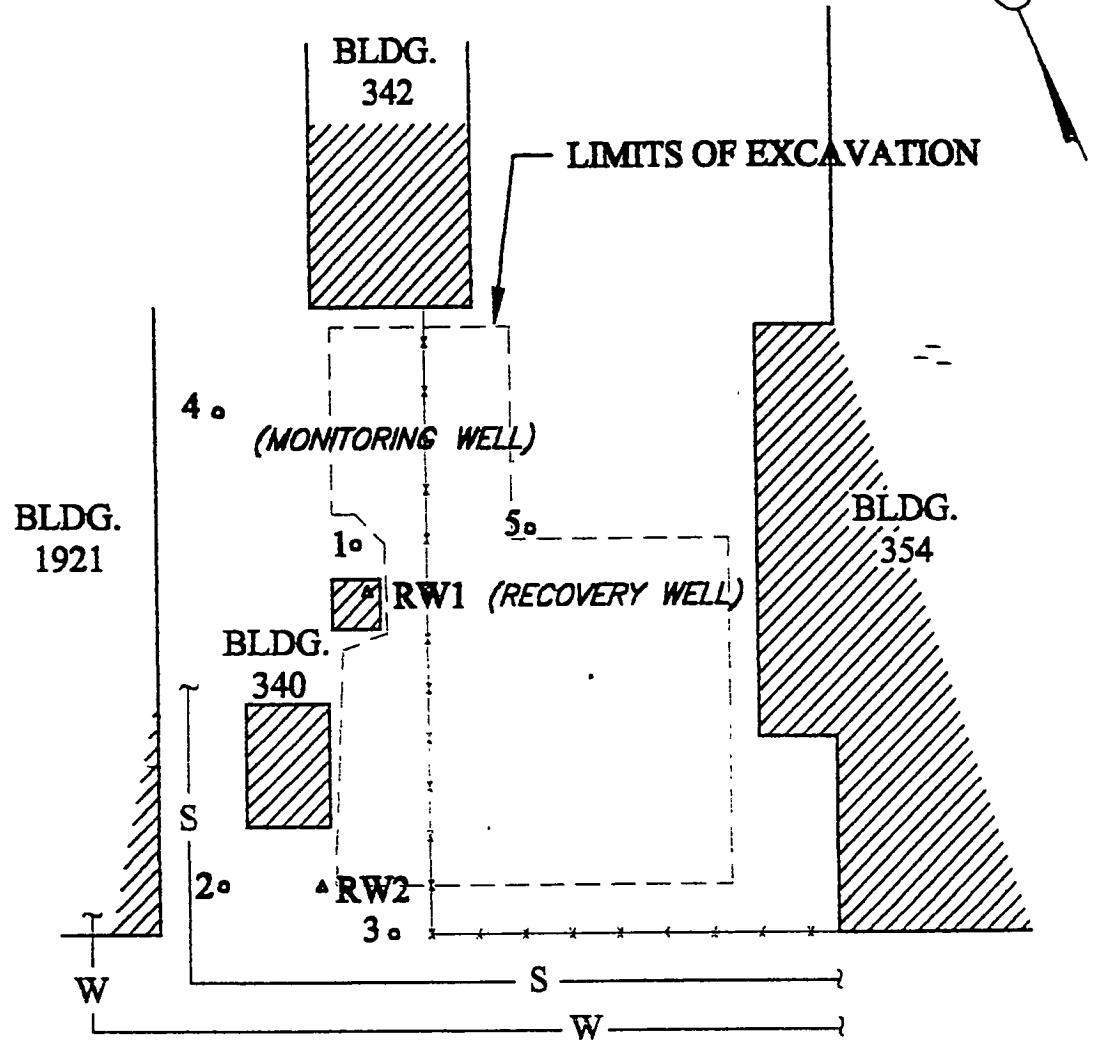
DEFENSE FUEL SUPPORT POINT MELVILLE
PORTSMOUTH, RHODE ISLAND

SITE LOCATION MAP

SCALE: AS SHOWN

CADDFILE. DESC007.DWG

AS-BUILT OF BLDG 340
AT
NEWPORT NAVAL FACILITY

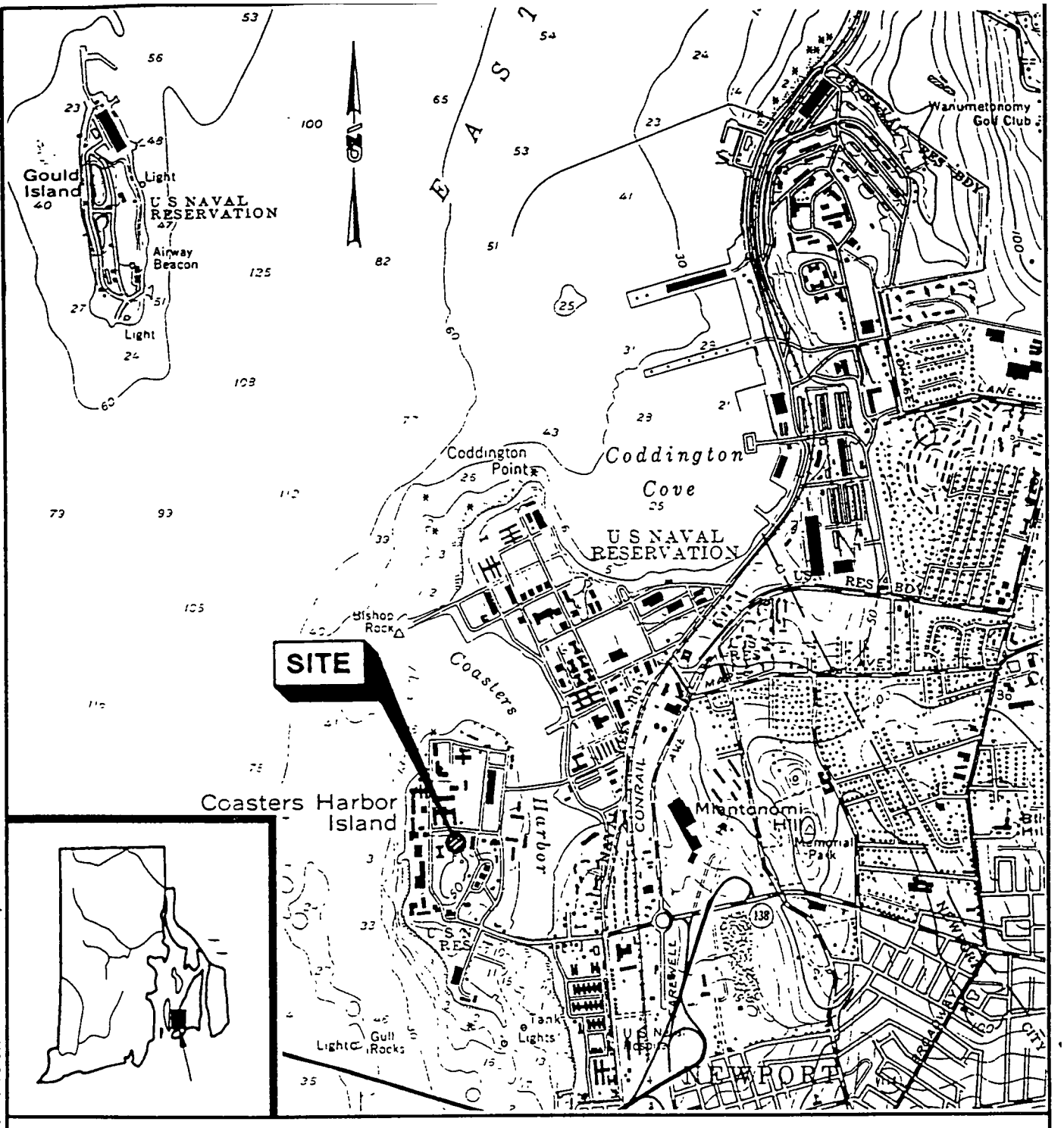


SEWER AND WATER UTILITY LOCATIONS TAKEN FROM A PLAN BY Q3G DATED 6/3/97 TITLED "REMOVE / REPLACE UST'S AT BUILDING 340CP AND W-34CP"

SCALE 1" = 20'

11/15/98 EJM

EMAC ENGINEERS, INC.
738 CENTRAL AVENUE, JOHNSTON, RI 02919
PHONE: (401) 943-3339 FAX: 943-5524



FROM USGS PRIDENCE, RI QUADRANGLE MAP

APPROXIMATE SCALE IN FEET

0' 1000' 2000' 4000'

File No. 31329.3

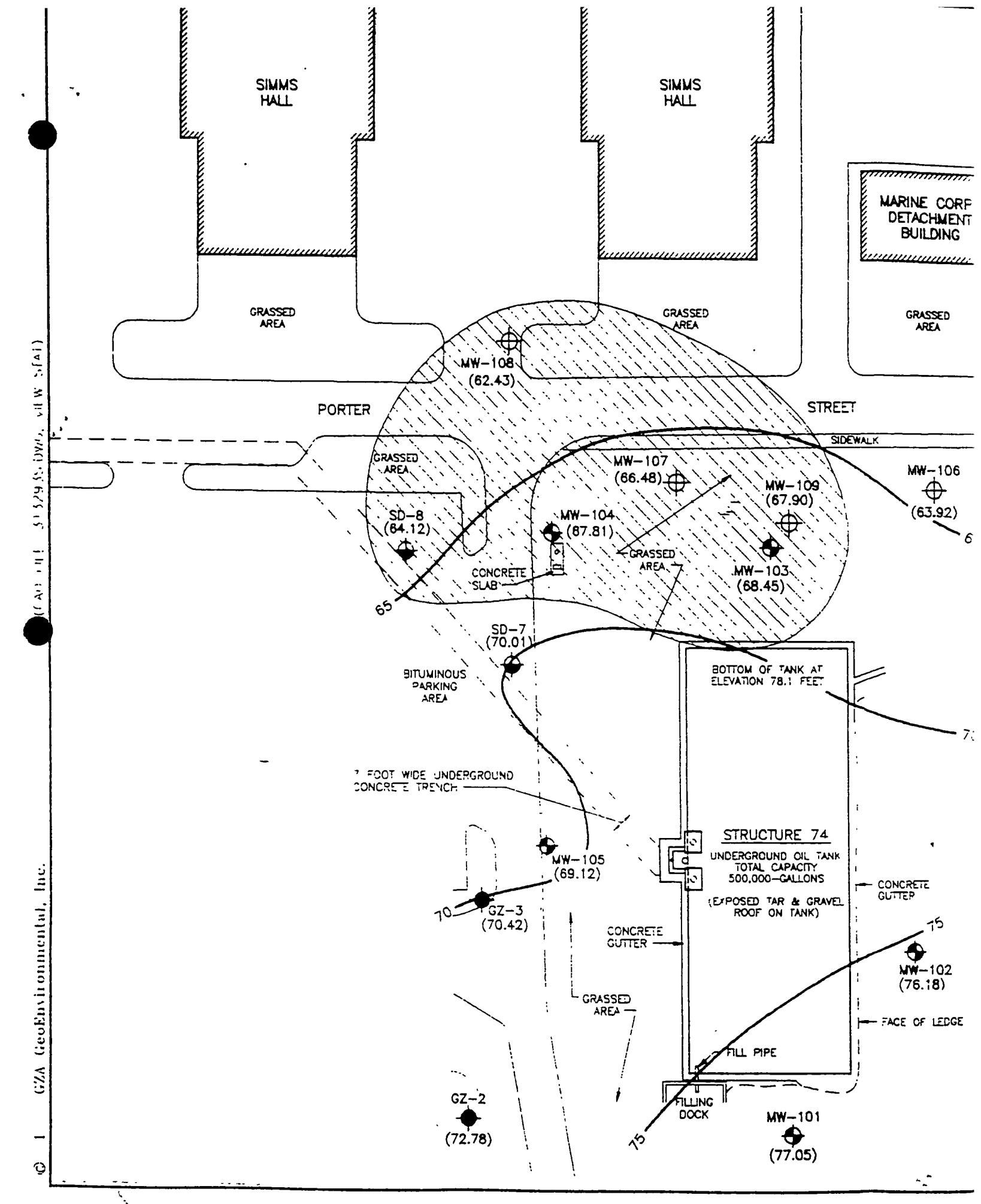
GZA

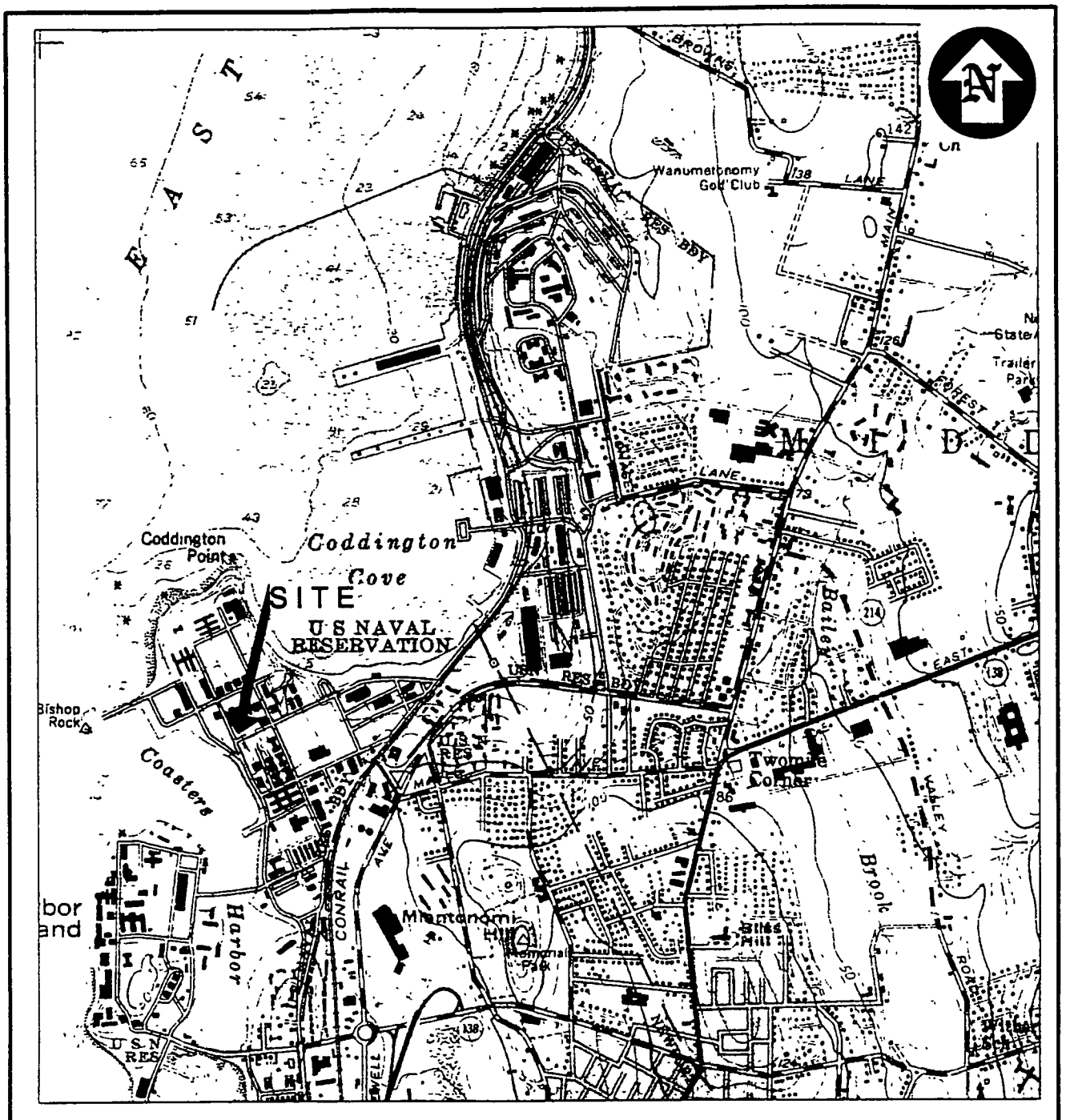
NAVAL EDUCATION & TRAINING CENTER
STRUCTURE 74
NEWPORT, RHODE ISLAND

LOCUS PLAN

NOVEMBER 1994

FIGURE NO. 1

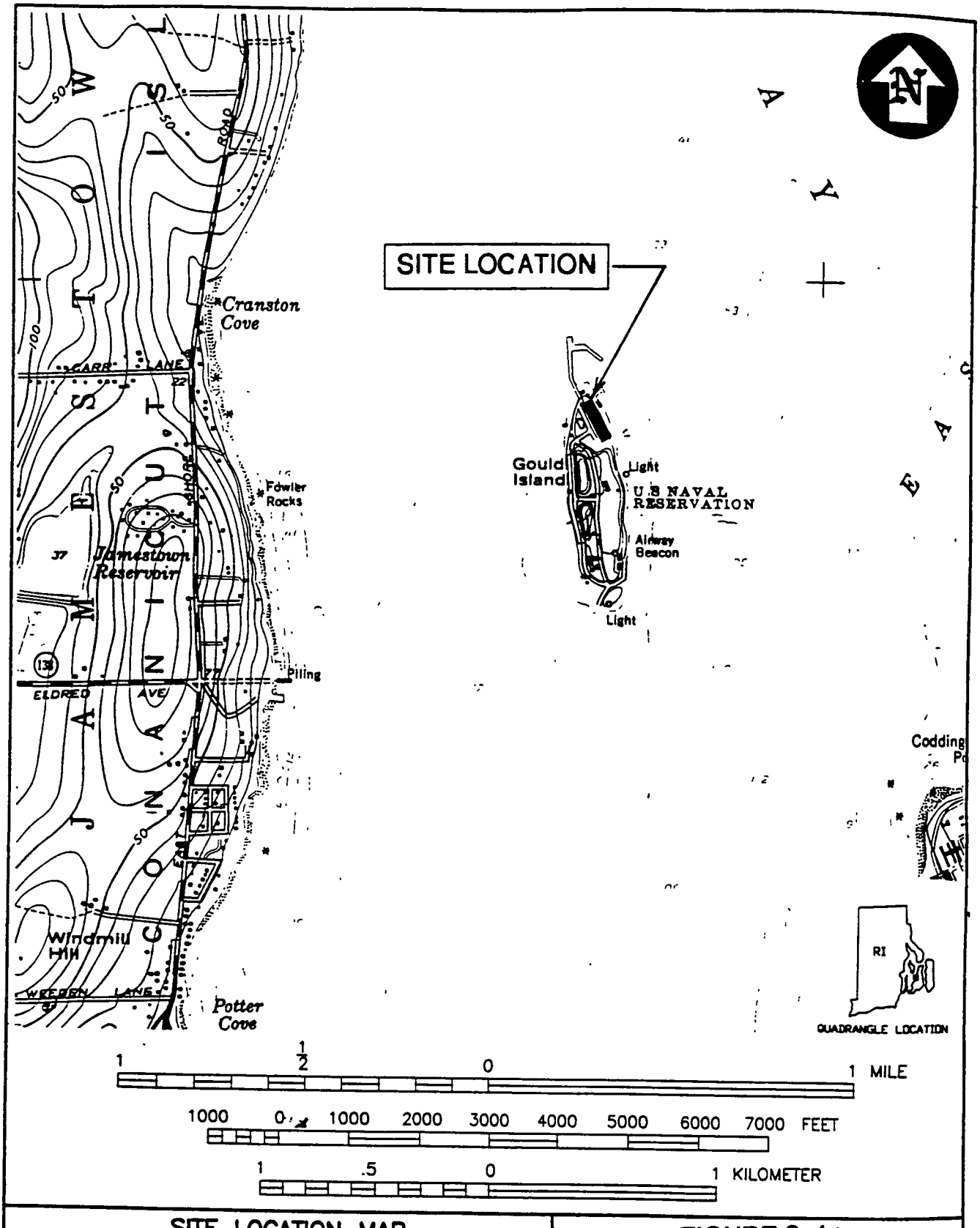




SITE LOCATION	FIGURE 2–1
FORMER BUILDING 1541 CP SITE INVESTIGATION	
NAVAL STATION NEWPORT – NEWPORT, RI	
DRAWN BY: R. DEWSNAP	REV.. 0
CHECKED BY: J FORRELLI	DATE: 25 JUN 99
SCALE: 1"= 2,000	ACAD: DWG\NAVY\BLDG_1541\SI\USGS_MAP DWG

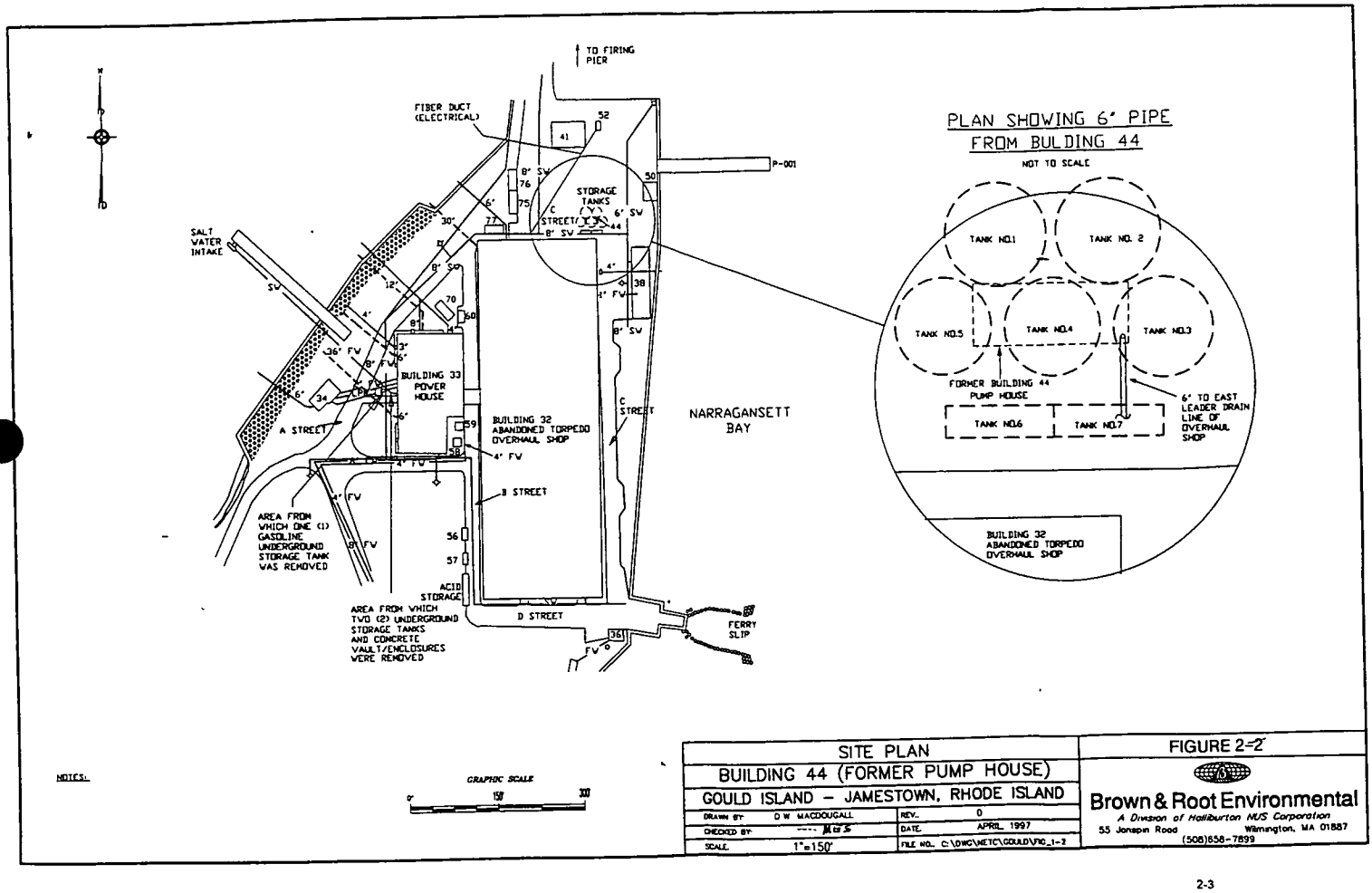
TETRA TECH NUS, INC.

55 Jonspin Road Wilmington, MA 01887 (508)658-7899



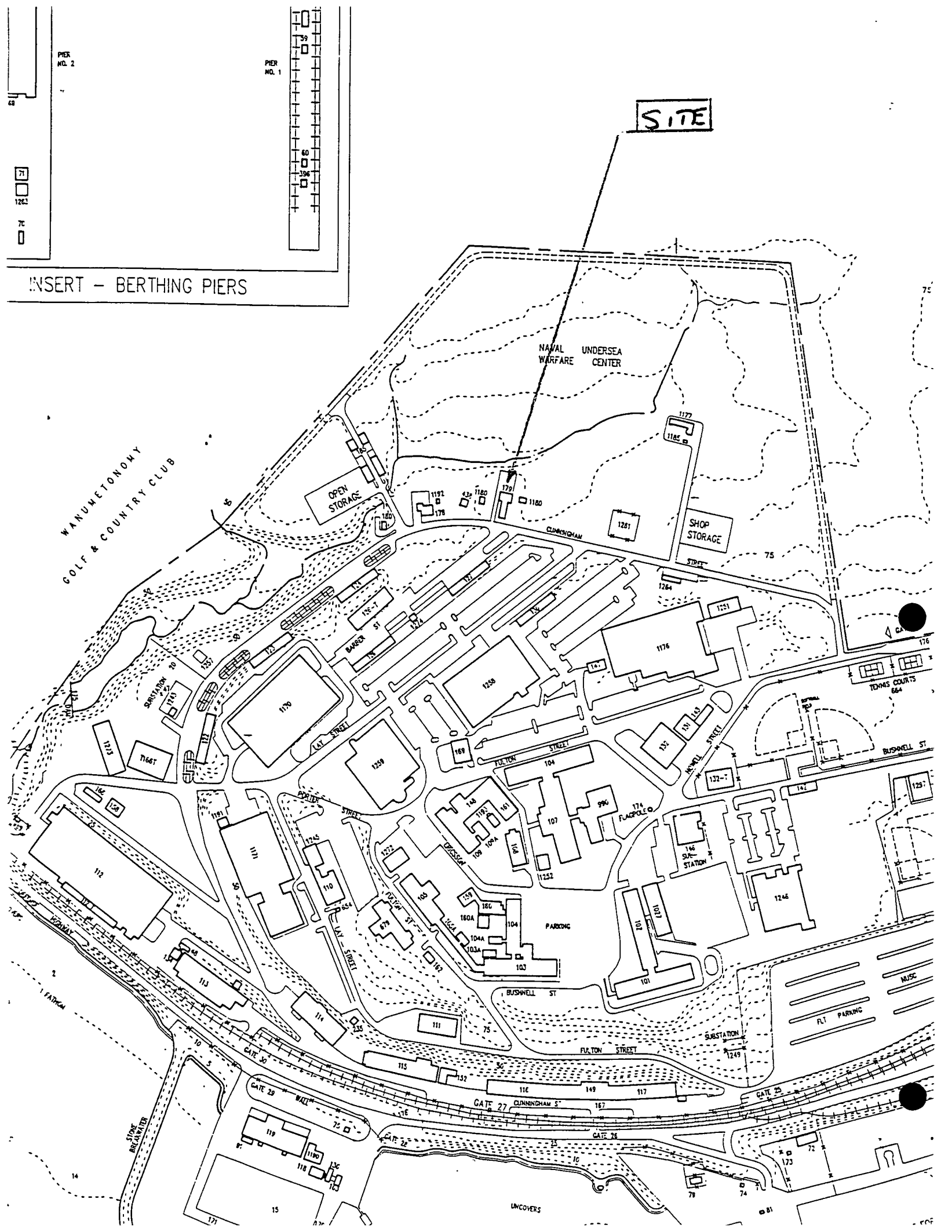
SITE LOCATION MAP	FIGURE 2-1
BUILDING 44 (FORMER PUMP HOUSE)	
GOULD ISLAND – JAMESTOWN, RI	
DRAWN BY: R. DEWSNAP	REV.: 0
CHECKED BY: D. CONAN	DATE: 04 APR 97
SCALE: AS SHOWN	PROJECT NO:

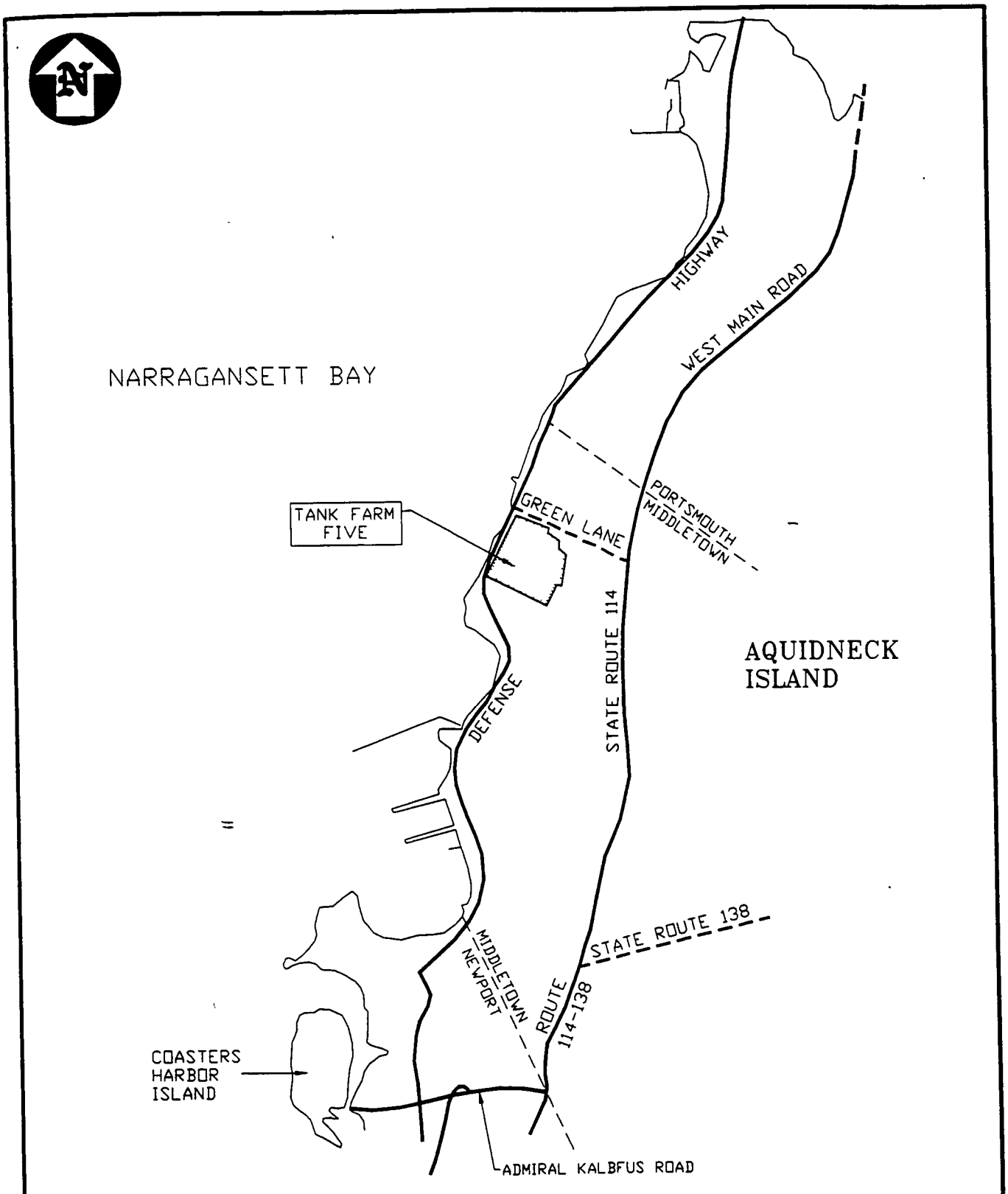
Brown & Root Environmental
A Division of Halliburton NUS Corporation
55 Jonspin Road Wilmington, MA 01887 (508)658-7899



SITE PLAN		FIGURE 2-2
BUILDING 44 (FORMER PUMP HOUSE)		
GOULD ISLAND – JAMESTOWN, RHODE ISLAND		
DRAWN BY: D W MACDOUGALL	REV.: 0	
CHECKED BY: ---- MGS	DATE: APRIL 1997	
SCALE: 1"=150'	FILE NO.: C:\DWG\NETC\GOULD\F10_1-2	

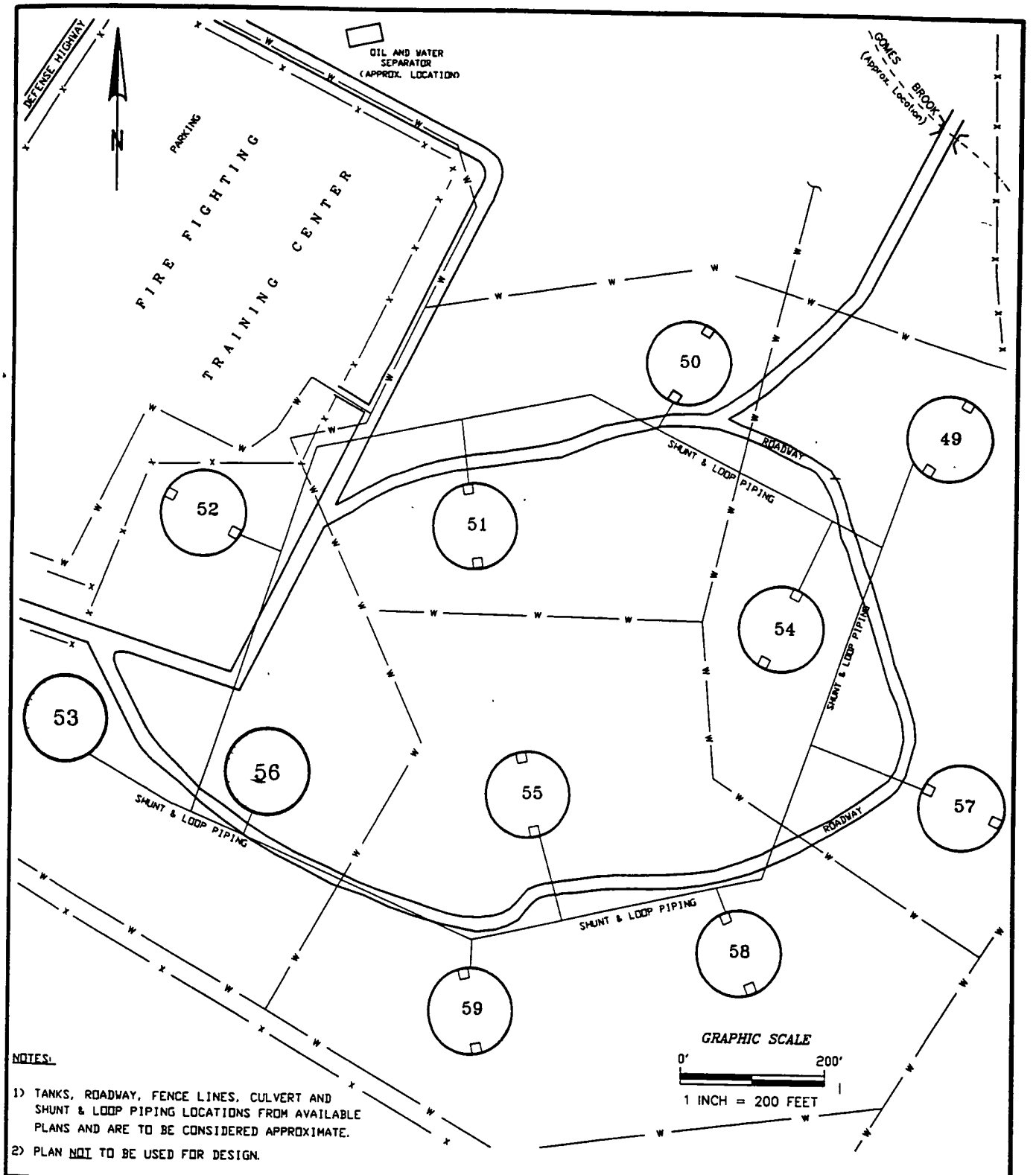
Brown & Root Environmental
A Division of Halliburton NUS Corporation
55 Jonspin Road Wilmington, MA 01887
(508)658-7899


SITE
INSERT – BERTHING PIERS
PIER NO. 2
PIER NO. 1
NAVAL UNDERSEA WARFARE CENTER
WANUMETONOMY GOLF & COUNTRY CLUB
OPEN STORAGE
SHOP STORAGE
CUNNINGHAM STREET
BARKER ST
LAY STREET
FULTON STREET
BUSHNELL ST
PORTER STREET
OFFICERS WAY
PARKING
FLAGPOLE
SUBSTATION
TENNIS COURTS
FLT PARKING
MUSC
GATE 30
GATE 29
GATE 27
GATE 25
GATE 26
GATE 32
WALL
STONE BREAKWATER
UNCOVERS
FATHOM



SITE MAP	FIGURE 2
CTO 143 –WORK PLAN ADDENDUM 8	
NETC – NEWPORT, RI	
DRAWN BY: R.G. DEWSNAP	REV.: 0
CHECKED BY: J. FORRELLI	DATE: 01 JUNE 98
SCALE: APPROXIMATELY 1"=4800'	ACAD: DWG\NETC\CTO143\W_P_ADD\FIG_2.DWG

Brown & Root Environmental
A Division of Halliburton NUS Corporation
55 Jonspin Road Wilmington, MA 01887
(978)658-7899



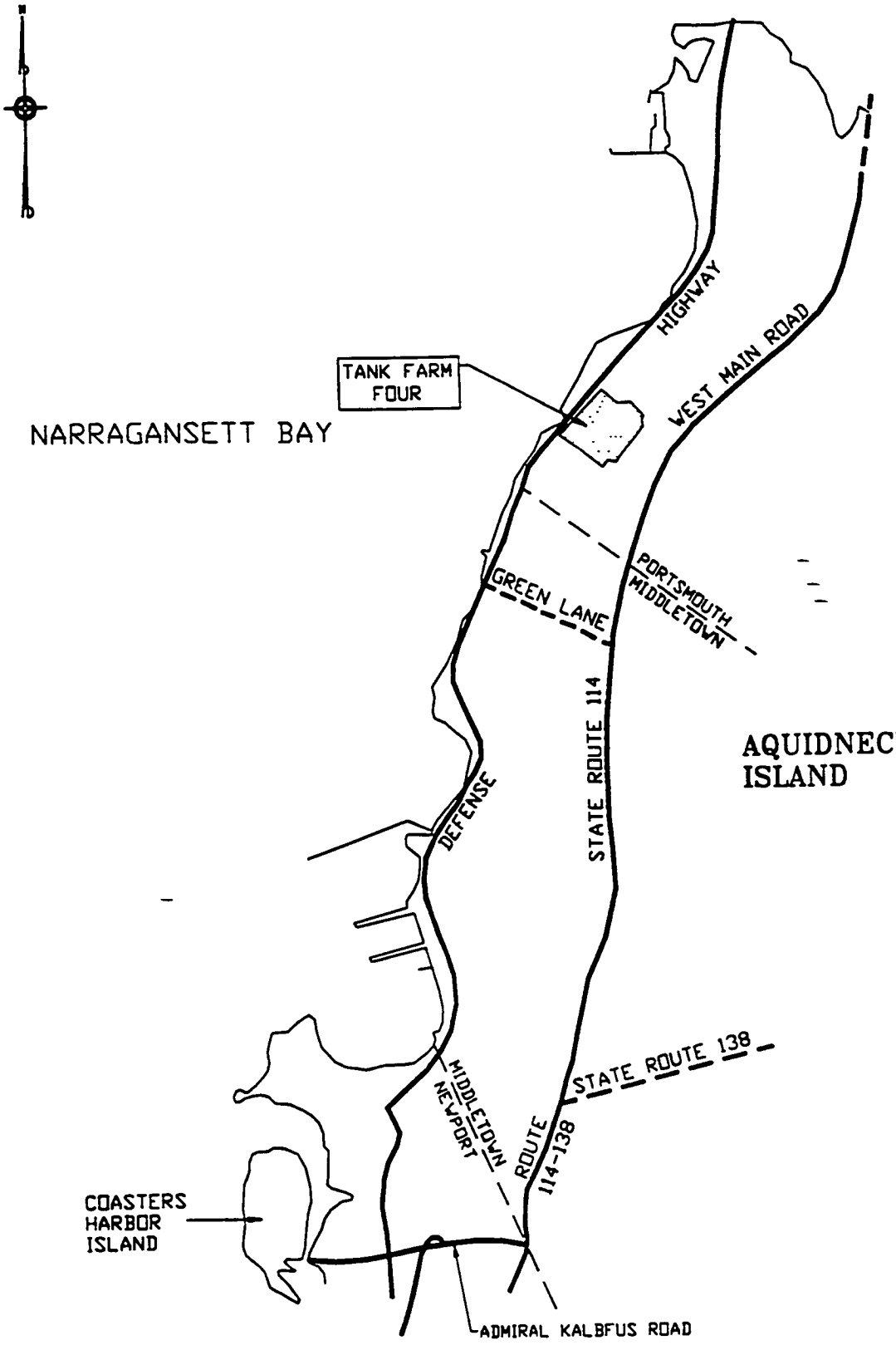
NOTES:

1) TANKS, ROADWAY, FENCE LINES, CULVERT AND SHUNT & LOOP PIPING LOCATIONS FROM AVAILABLE PLANS AND ARE TO BE CONSIDERED APPROXIMATE.

2) PLAN NOT TO BE USED FOR DESIGN.

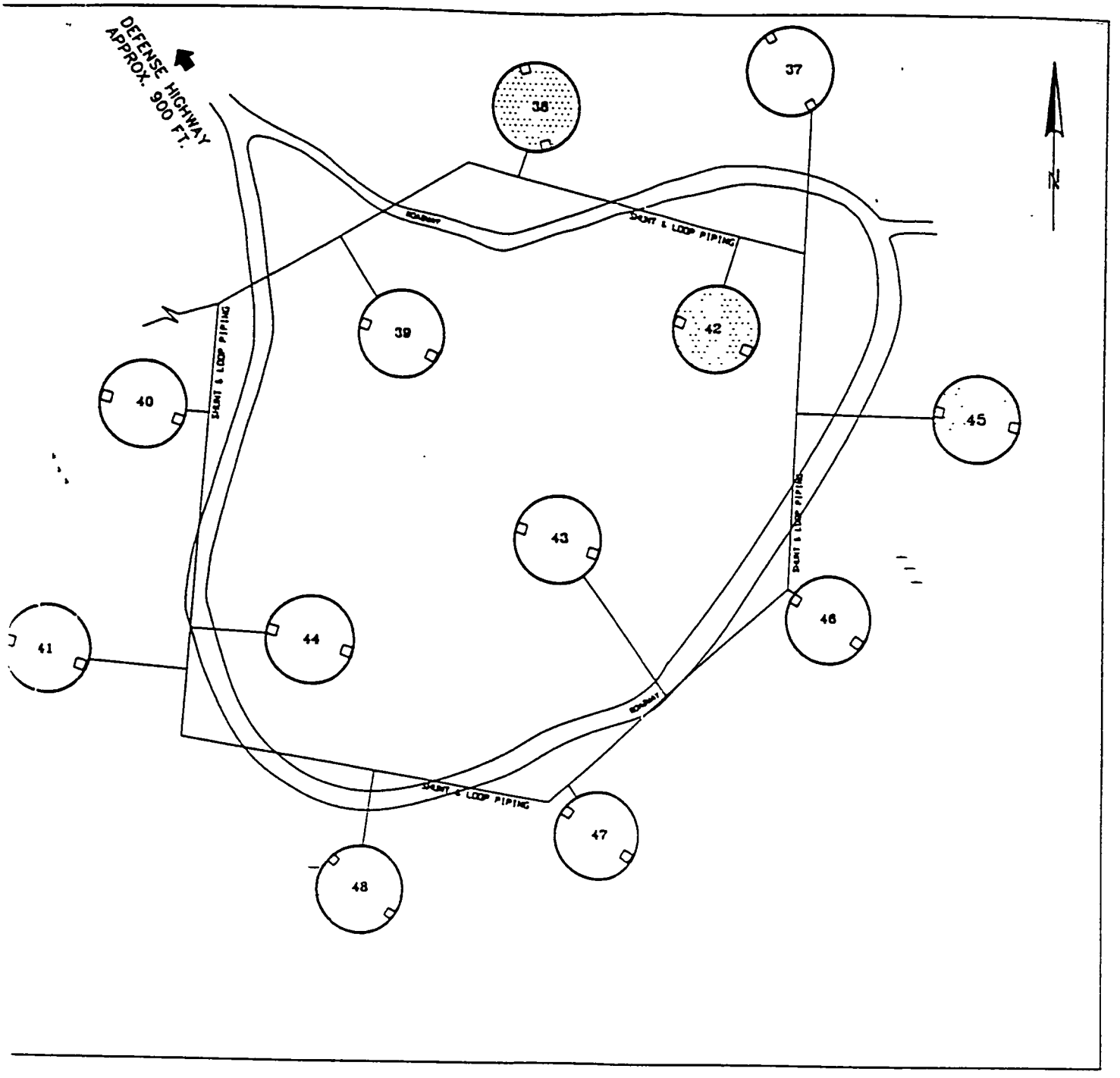
TANK FARM 5 – TANKS 53 & 56 LOCATION	FIGURE 3
CTO 143 – WORK PLAN ADDENDUM	
NETC – NEWPORT, RI	
DRAWN BY: R.G. DEWSNAP	REV.: 0
CHECKED BY: J. FORRELLI	DATE: 01 JUNE 98
SCALE: 1" = 200'	ACAD NAME: DWG\NETC\CTO143\W_P_ADD\FIG_3.DWG

Brown & Root Environmental
A Division of Halliburton NUS Corporation
55 Jonspin Road Wilmington, MA 01887
(978)658-7899



TANK FARM 4 LOCATION			FIGURE 2-2
NETC – NEWPORT, RI			
SITE INVESTIGATION REPORT – TANK FARM 4			
DRAWN BY:	R.G. DEWSNAP	REV.:	0
CHECKED BY:	J.B. HOLDEN	DATE:	23 FEB 96
SCALE:	APPROX. 4800 FT.	PROJECT NO.:	4643 CTO #196:

Brown & Root Environmental
A Division of Halliburton NUS Corporation
55 Jonspin Road Wilmington, MA 01887 (508)658-7899



TANK FARM 4

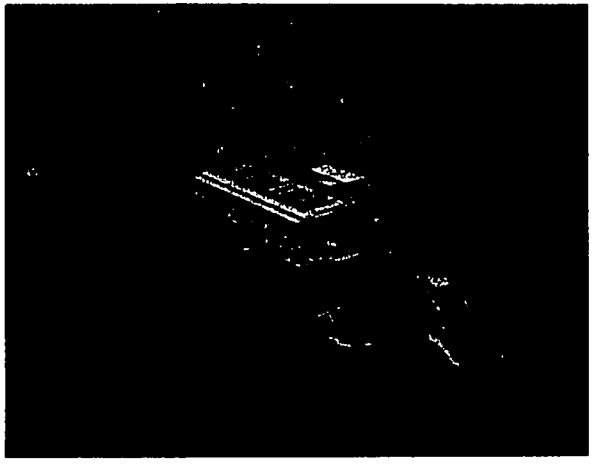
LOCATION MAP – TANK FARM 4			FIGURE 2-3
NETC–NEWPORT, RI			
SITE INVESTIGATION REPORT– TANK FARM 4			
DRAWN BY:	R.G. DEWSNAP	REV.:	0
CHECKED BY:	J.B. HOLDEN	DATE:	23 FEB 96
SCALE:	1" = 200'	FILE NO.: D:\DWG\NETC\SI-38-48\TANKFM4	

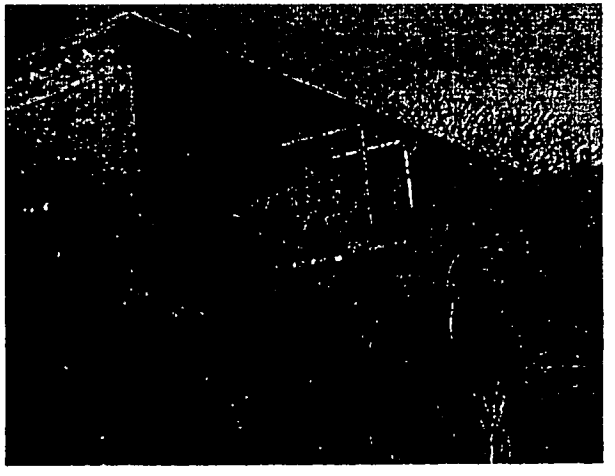
Brown & Root Environmental
A Division of Halliburton NUS Corporation
55 Jonspin Road Wilmington, MA 01887
(508)658-7899

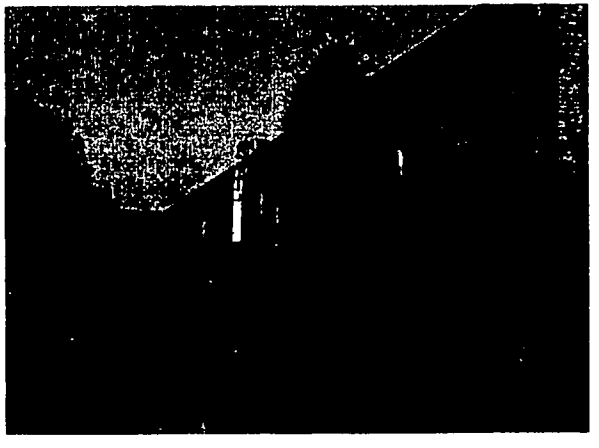
Enclosure (9)

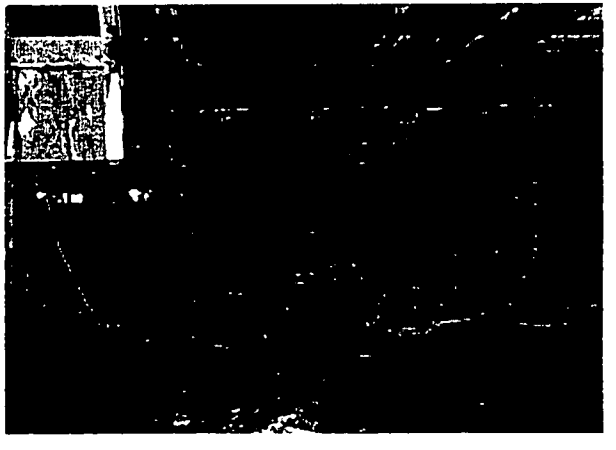
Gould Island

Demolition status update



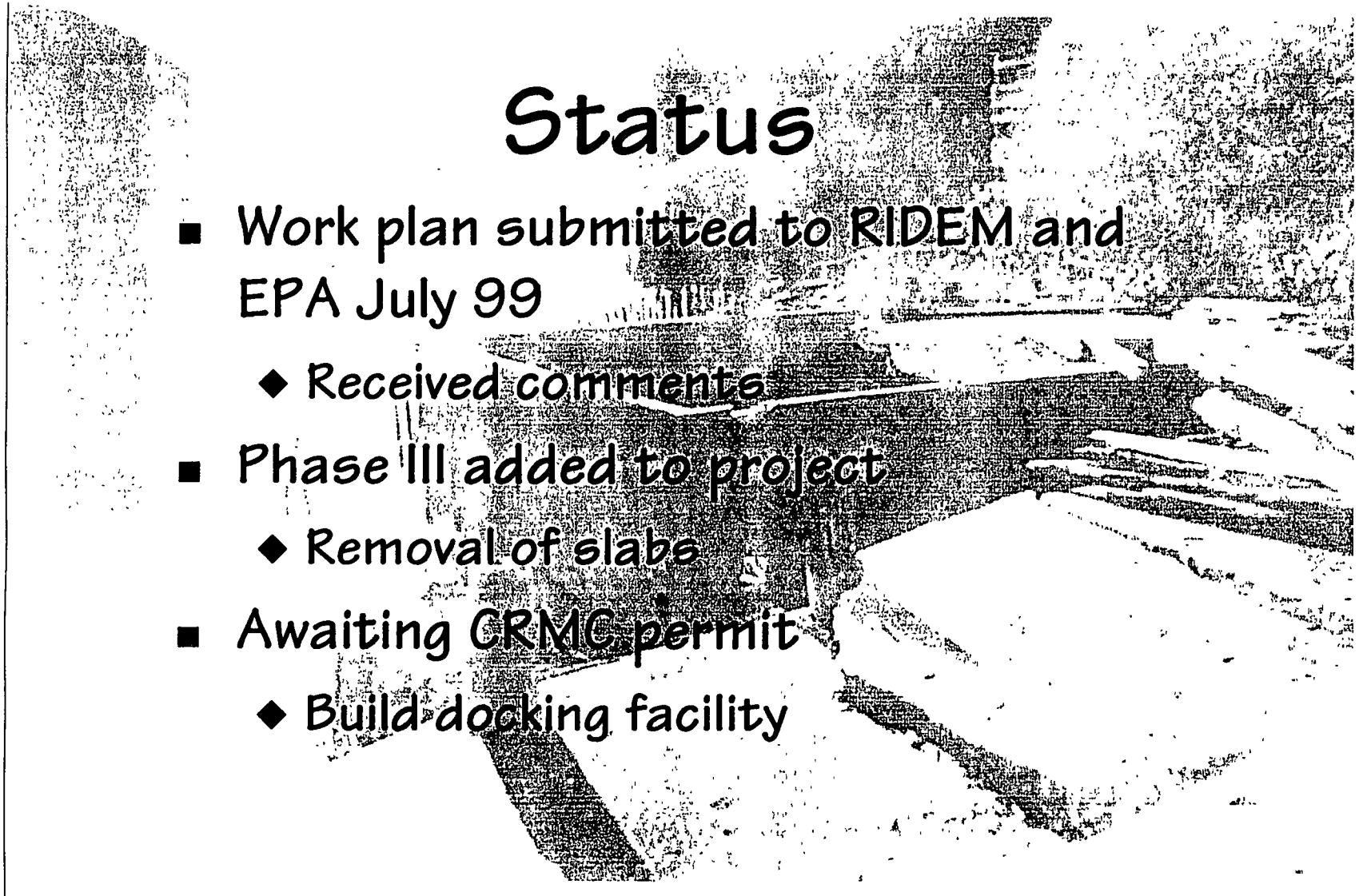






Status

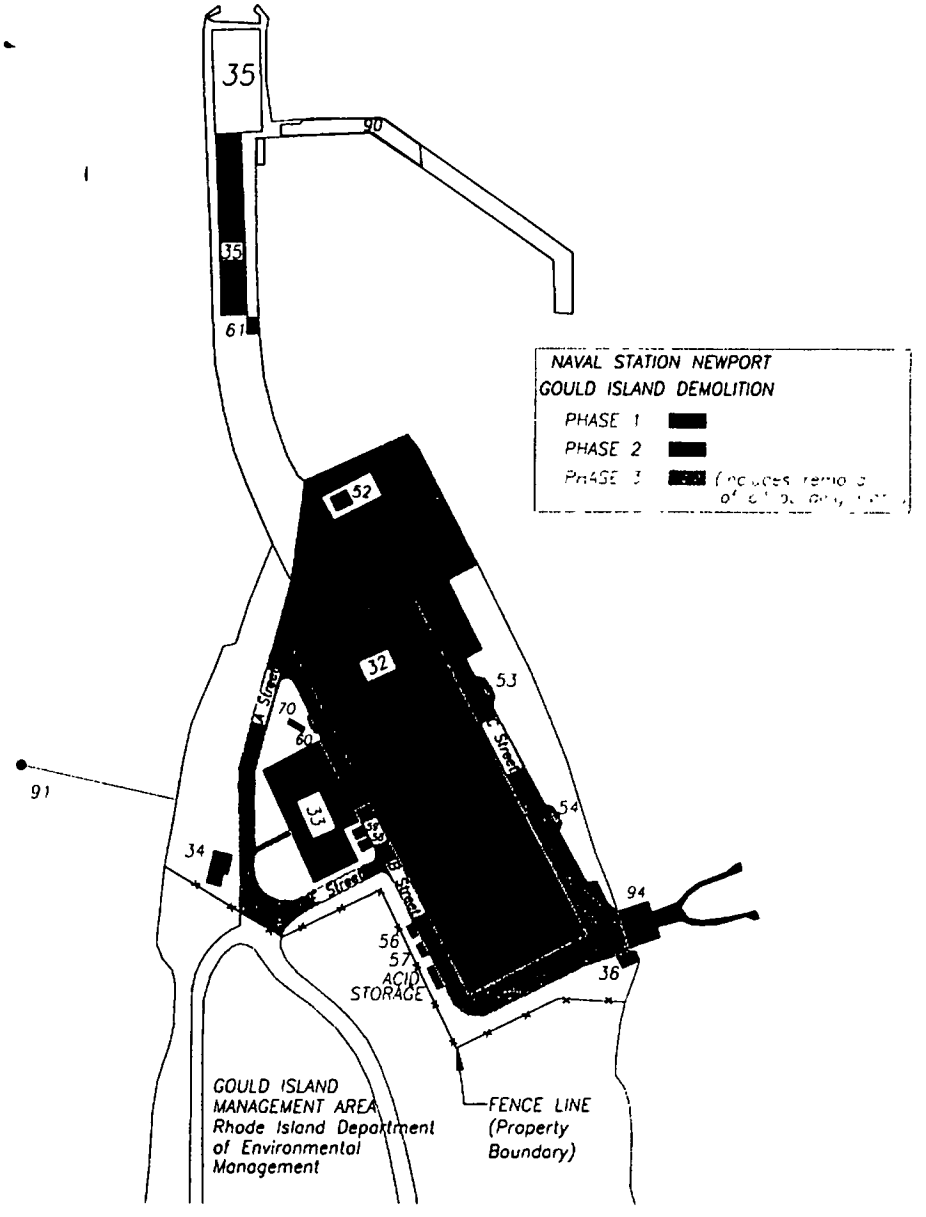
- Work plan submitted to RIDEM and EPA July 99
  - Received comments
- Phase III added to project
  - Removal of slabs
- Awaiting CRMC permit
  - Build docking facility



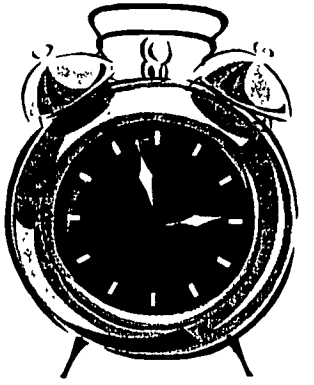
Work Plan

- Site Preparation
  - erosion and sedimentation controls
    - silt fencing and hay bales at perimeter
- Asbestos Abatement
  - licensed sub will remove, transport and dispose
- Hazardous Waste Removal
  - sub will commence removal after asbestos abatement
- Visual Inspection
- Floor Drain Mapping
- Sampling

Phases


NAVAL STATION NEWPORT
GOULD ISLAND DEMOLITION
PHASE 1
PHASE 2
PHASE 3
35
90
35
61
52
32
53
A Street
70
60
91
33
53
54
34
B Street
C Street
94
56
57
ACID
STORAGE
36
GOULD ISLAND
MANAGEMENT AREA
Rhode Island Department
of Environmental
Management
FENCE LINE
(Property
Boundary)

Schedule



- Phase I
  - Awarded and obligated
  - Commence construction FY 99
    - tentative mobilization Aug
    - tentative start Sept
- Phase II
  - Requested award for FY 99
  - Conservative: second quarter '00 award
- Phase III
  - Requested Funding
    - no word as of yet

Next Steps

- North Div to draft FONSI
- MOA from SHPO
  - adverse action
  - no practical alternative to demo

From Dave Brown July 20, 1999

It's Important to Pinpoint R strictions, and Who and How to Enforce Them, If Sites Are Not Completely Cleaned Up

Some members of the NSN RAB and AICAB/TAG have been thinking that it might be well to clean up just the worst areas of McAllister Offshore and other sites, and rely on signage, monitoring, etc. to guard people and their surroundings from harm from the remaining areas. This can make sense from the standpoint of accomplishing the most with the limited cleanup funds likely to be available in coming years (following the principles of "diminishing returns" and "opportunity cost"). But as implied by the article below, if we encourage that approach, we on Aquidneck Island need also to help the Navy, EPA and RIDEM to design and enforce workable ways to handle the required monitoring and protections for many years to come. (The Center for Risk Management is part of Resources for the Future, a respected institution that has sought since the 1950s to provide balanced analysis and information on natural resource and environmental matters.)

CENTER FOR RISK MANAGEMENT
NEWSLETTER
Spring 1999

INSTITUTIONAL CONTROLS: THE NEXT FRONTIER

Katherine N. Probst

After many years of little progress, it appears that EPA's Superfund program is making a dent in addressing the majority of sites on the National Priorities List (NPL). Finally, there is actually *cleanup* going on at the majority of sites. Most of those in the Superfund community can heave a huge sigh of relief that, as remedies have been selected for almost all the sites on the NPL, we don't have to continue to debate "how clean is clean." Unfortunately, however, there is a new issue that demands policymakers' attention: the reliability and enforceability of what are called "institutional controls." These are legal measures—such as permitting, deed restrictions, and zoning—placed on land and groundwater use to ensure that the public does not come into contact with contamination left on site. While it is hard to get reliable statistics on the use of institutional controls at NPL (or other) sites, it appears that they are increasingly part of Superfund remedies.

The lack of reliability of institutional controls is one of the hot topics being discussed at forums that focus on the future use of contaminated sites—whether these sites are privately owned sites on the NPL, sites that are the responsibility of the Department of Defense, the Department of Energy, or "brownfields." Independent research at RFF and elsewhere suggests that there is good reason to be concerned about the lack of institutional, legal, and informational mechanisms for enforcing restrictions on the use of contaminated property.

Some major questions include: What is the legal basis for institutional controls? Who is responsible for making sure that they are monitored? Who has the authority and the resources to take legal action if institutional controls are not maintained? Are these activities the responsibility of the federal government, state governments, or local governments? According to recent surveys by state and local government associations, it appears that each level of government is under the impression that ensuring compliance with institutional controls is someone else's responsibility.

ENCLOSURE (10)

One key question is: Who is responsible for making sure that physical barriers to contain site contamination and efforts to monitor the movement of contamination are maintained over time after all engineering controls have been implemented? Increasingly, citizens' groups and state and local governments are suggesting that responsibility be clearly spelled out at the same time as the remedy (or cleanup plan) is selected—not after cleanup is completed, as is often the case. A major issue is who is going to cover the costs of these kinds of activities.

A second question is: How can one be sure that whatever measures are needed to ensure the integrity of institutional controls (that is, to ensure long-term protection) are maintained over time? What institutions will be responsible for these activities in the decades to come, after local citizens and governments at all levels don't remember the contamination that was once so visible?

Some Possible Solutions

A number of steps can—and should—be taken to address these concerns. These changes do not require amendments to the Superfund law, which is in a state of perpetual congressional debate, although they do require leadership on the part of the federal Superfund program.

1. EPA and the states should set up a national Web site with information on land, water, and groundwater restrictions at contaminated sites.

One of the ways to ensure that sites are used in an appropriate manner is to make public the use restrictions placed on each site. Interestingly, the Superfund law requires that the Agency of Toxic Substances and Disease Registry, in cooperation with other federal agencies and the states, "establish and maintain a compete listing of areas closed to the public or otherwise restricted in use because of toxic substance contamination " It appears, however, that this information has not been maintained nor made easily accessible to the public. Implementing this requirement in an easy-to-use manner and putting the information on the Internet would make information on site use restrictions readily accessible

2. EPA should amend the Superfund National Contingency Plan (NCP) to clearly set out requirements surrounding the use of institutional controls at contaminated sites.

Most of the language of the NCP, the regulatory blueprint for the Superfund program, focuses on the process leading up to and including the selection of a site remedy. Little attention is paid to ensuring the continued protection of the remedy over time. Because a remedy that relies on institutional controls is only effective—and protective—if these controls are complied with, it is critical that the same administrative and legal structure applied to remedy selection be applied to institutional controls Specifying more clearly the role of institutional controls at contaminated properties, and the organization that will be responsible for monitoring, maintaining, and enforcing these controls is crucial to the success of the Superfund program, and will provide a model that can be used at contaminated properties not on the NPL.

3. EPA and HUD in conjunction with the states should develop national guidelines for what kinds of information regarding site contamination should be disclosed to prospective purchasers and tenants, as well as requirements for public involvement in brownfields programs and funding for local public information programs.

While it would be counterproductive to issue federal brownfields regulations, much would be gained by national guidelines articulating recommended policies regarding disclosure of contamination and risks, and the role of public involvement This effort could culminate in a model public involvement program as well as model disclosure policies for leases and sales agreements of contaminated properties.

Implementation of these three proposals alone would not "solve" the problem of enforcing institutional controls. However, the recommendations would go a long way, toward dealing with a problem that, despite its importance, has gone largely unaddressed

For related research, download "Linking Land Use and Superfund Cleanups: Uncharted Territory" by Robert Hersh, Katherine N. Probst, Kris Wernstedt, and Jan Mazurek at *http//www.rff.org/reports/PDF_files/landuse.pdf#land use*. To order a hard copy, see the Ordering Information on page 7.

NEWS FROM THE CENTER

The center is pleased to announce a new Advisory Council member: Professor David Marks is the Jason Mason Crafts Professor of Civil & Environmental Engineering at the Massachusetts Institute of Technology

In addition, we have three new staff members. Carl J Bauer joined the center in May as a fellow. He received an M.A and Ph.D. from the Jurisprudence and Social Policy Program, School of Law, at the University of California–Berkeley and an M.S from the Geography Department at the University of Wisconsin–Madison. He is the author of a recent book on water management in Chile

ENCLOSURE (10)